

BOARD OF MAYOR AND ALDERMEN

February 21, 2006

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were thirteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O’Neil,
Lopez, Shea, DeVries, Garrity, Smith, Forest

Absent: Alderman Thibault

Alderman Lopez stated as this time I call upon my colleagues and citizens of Manchester to take a few moments to extend our deepest sympathy to the family of former Mayor Bob Baines in the passing of his sister, Shirley Brulotte, today. Shirley was an inspiration to her family and friends and exhibited her love of Manchester throughout the years. Please join me in remembering one of Manchester’s finest citizens.

3. Presentation by Paul Borek, Economic Development Director, and Kristin Woolever, Academic Dean of UNH Manchester, regarding the potential expansion of the Millyard campus.

Mayor Guinta stated as they approach I just want to say a couple of quick words about this presentation then I’ll move to the side. I’ve been in discussions with UNH for the last couple of months about the presentation that’s going to be presented to us today and one of the reasons that I thought it was appropriate at this point to make this presentation is to keep the Aldermen informed and involved in some of the opportunities that we have as a city to further enhance our city not just from an economic development standpoint but from an educational standpoint. I think this is a wonderful opportunity and I hope that this Board will agree after they see the presentation to really propel the city in the area of math, sciences and technology. We have a number of businesses already in our community that I hope we become more aware of...leading companies in cutting edge technology. I think that the opportunity that is going to be presented to the city this evening will further enhance that not just for the city but for the State of New Hampshire in the forefront of math, sciences and technology and start competing with communities like Boston and Silicon Valley, so I certainly am pleased with the progress that we’ve made thus far...again, I want to make sure that the Aldermen are completely apprised...this is an informational only meeting, there are no votes that are required and you’re certainly encouraged to ask questions about the proposal that you’re going to see and with that I will hand it over to our Economic Development Director.

Mr. Paul Borek, Economic Development Director, stated thank you very much for the opportunity to introduce the Board to discussions we've had with city staff, yourself and the University of New Hampshire (UNH) regarding the expansion of the UNH Manchester campus. We also plan to discuss an exciting concept of establishing a science and technology park, a science and technology campus right here in the center of Manchester in the Millyard. Science and technology are critical components of economic development. Manchester is the center of an expanding regional economy ripe for technology based companies including semi conductors, electronics, aerospace and defense, communication services, industrial machinery, financial services, software and information technology and communications equipment. Much of the growth in the State of New Hampshire is occurring in the southern New Hampshire Merrimack Valley Region whose hub and focus is Manchester. Indeed the Manchester Millyard's been a focus of innovation and productivity for the last 150 years starting with textiles moving into the manufacturing age and now the age of the knowledge based economy. To excel in a knowledge based economy a community must have educational resources that support the development of people...students and professionals. To excel in a knowledge based economy a community must have research institutions that foster collaboration amongst corporations, colleges and universities and federal research agencies. Business owners that the Mayor and I have met with have identified the need for science and technology educational resources in Manchester at the graduate level, at the under graduate level, professional certification and on-going continuing education. In addition, corporations have expressed interest in collaborative research facilities and programs with UNH Manchester. Mayor Guinta is aware and engaging in some of these discussions. The Millyard is a highly desirable and productive economic engine for the city...they have been and continue to be. But, UNH Manchester is at capacity and needs to expand to fulfill the demand for existing programs as well as new science and technology offerings. UNH Manchester has indicated the need for a minimum 25,000 square feet for laboratories, engineering labs, classrooms and offices. These programs are needed to provide for the science and technology demands and requirements of the existing corporations and new corporations that we hope to recruit. The city and UNH hold properties that can provide for expanded education, corporate office research and other complimentary uses. These properties surround the present campus of UNH Manchester...they include the Arms Park lot bordered by the Merrimack River, Arms Street and Bridge Street...they include a parcel at the northerly end of the UNH property surrounded by Arms and Commercial Street...they include Arms Street itself which could be deployed for other uses in conjunction with the redevelopment and it could also include the Bedford lot bordered by Commercial, Spring, Bedford and Bridge Streets. The vision here is to accelerate the economic growth in the City of Manchester and the entire Merrimack Valley and advance the State of New Hampshire in the area of science and technology by establishing an educational magnet right here in the center of the growth corridor of the state in downtown Manchester. The vision is to provide for a hub for science and technology to serve the city and the region. The business world in such a development would be to generate start ups to commercialize technologies that can be developed through university

research as well as collaborative corporate and government research facilities. The vision is also to provide for science and technology incubator space that allows companies to start and receive support to nurture new ideas and grow into thriving concerns. The vision also involves establishing corporate relationships with this science and technology hub. The city anticipated to be a developing coordinator or to coordinate development and recruitment and selection to a site that encompasses these properties. The city's role would also be to recruit businesses to this science and technology hub...the site itself and potential capacity to expand and upgrade real estate in the Millyard and throughout the city. To bring this vision to reality we've had Dr. Kristin Woolever who is with me today and who will make her presentation shortly has worked closely with city staff and myself to develop an RFP that could solicit developer interest in the 7.5 acre site encompassing the properties around the university, to recruit a mixed use development scenario that would of course include UNH classroom, labs, office and ancillary space...other market based complimentary based uses such as research and development corporations, possible residential, dormitories, retail and restaurant and sufficient parking to accommodate the needs of this development, any displaced parking and the current and future parking needs of the Millyard businesses. Although it's way too early to discuss financing considerations we would anticipate that in soliciting interest by the private sector that developers would submit terms sheets outlining potential proposals for engaging in such a development to serve the university's needs, to provide a mixed use economic engine for the city and the Millyard and any anticipated contributions by UNH or the city would be net of the land value that could be contributed by request and review. In other words, our goal would be to leverage the land value to gain an attractive situation in regard to the development of the university and the provision of productive economic development tax generating and job generating industries and research at this location. Actual financing and mechanisms and specifics are to be determined but of course the final terms of anything that would be engaged in would be negotiated by the city, UNH and developers and would be subject to review and approval by the Board of Mayor and Aldermen. Our goal today is to inform the Board of Mayor and Aldermen of the interest of the university and our discussions towards soliciting market interest in science and technology development in the Millyard. At this point I'd like to introduce Dr. Woolever to speak about the university role and the excitement that such a project could bring to our community and the Manchester area economy.

Dr. Kristin Woolever, Academic Dean of UNH Manchester, stated I'm very, very happy to be here this evening and to meet some of you for the second and third time and some of you for the very first time. I think this is an incredibly exciting opportunity for both the city and for of course the University of New Hampshire. The University of New Hampshire and the University of New Hampshire Manchester is one university and the Manchester "arm" of the university is one that we would like to grow and we really believe that it is the urban arm of the university. It is will situated in the economic hub of the state and at the highway crossroads so it is a marvelous location for the university to bring some of the offerings that it can expand here and this is a wonderful opportunity to do that. This collaboration as I said

allows the University of New Hampshire at Manchester to expand and to grow. We are, right now, at capacity in our current building in the Millyard. We are cheek by jowl and we cannot expand programs or add any other programs because we don't have classroom space to hold the classes and we don't have office space for our residential faculty and our adjunct faculty. Also, I think this particular opportunity which would allow the programs that the University of New Hampshire can bring here to add a critical piece, a piece that has been missing from Manchester and for Manchester's future and that is the full range of educational opportunities in science and technology. It includes as Paul said earlier the possibility of technology incubators in partnership with the university researchers and there are laboratories that we would build. It would also provide another piece that is missing and that is a seamless education here in Manchester from high school through under graduate education, graduate education because a number of the programs that we would build would be at the graduate level...certificates...certifications for various technologies and various other programs. We also would offer professional development and training. So not only the formal graduate and under graduate degree programs but also smaller pieces that could really help the local businesses and industries to train their workforce, to improve their workforces, it would be a major support. The location of this technology hub at the center of the city...it anchors science and technology firmly. As a city hub it would create a vibrant educational presence and an association with education and the City of Manchester and we are very, very excited about it and I'd be happy to answer any questions that I can answer if you have them.

Alderman Roy stated with this expansion is there any discussion over housing for students in the Millyard, any dorm space or is it just additional classroom buildings?

Dr. Woolever replied yes we have thought about that. I think student housing is a need and as we go forward we have space that could accommodate retail and possibly student housing in the plan and I'll let you talk about the plan itself.

Mr. Borek stated again this is in the very early conceptual stages but we are aware of other models in other communities where student housing were necessary and were viable has been utilized as a financing tool to facilitate not only the creation of dorm space but also has allowed the development of ancillary university space in conjunction with the student housing. So, there are some innovative partnerships that we're just learning about that we would like to incorporate here and that's why we're soliciting the input of the marketplace and looking at other university municipal partnerships in the country.

Alderman Roy stated one of the major concerns for everyone in the Millyard is parking. What type of plan or concept has been put in place to address parking I noticed you named two parking lots in your plan but 500 students if they're not all living there create 500 cars...any plans there?

Mr. Borek replied we recognize that parking would be a big part of this project as it is an important consideration in the Millyard today and again any new development in conjunction with this proposal would have to provide for the parking it requires and any parking it displaces and we would seek the provision of the maximum amount of parking that a development could undertake. In other words, we'd like to explore whether or not this development can accommodate sufficient parking to allow surrounding mill buildings to reach their full potential in being upgraded to support research and corporate development but again it's very early.

Alderman Lopez stated I think one of the first steps that I would like to see is the city's role period. I don't think that you would be able to move forward without knowing exactly what the city role would be...say the Bedford Parking Lot is where you would build or you'd build a garage or whatever the case may be. I think in defining the project moving forward...what would be the obligations with the city...I know you mentioned some things up there but being defined as we'll donate land if that's the way this project is going to move forward...they're going to build a garage and then define the economic developer responsible for filling that facility and maybe you can elaborate on that second part as to what all that means...recruit businesses in the sciences and technologies. Are we capable or is the university capable of recruiting...I'd like you to define that.

Mr. Borek replied in my experience business recruitment...the best business recruitment can indeed be a cooperative endeavor. I would foresee working together with the university, the city and the real estate brokerage community to recruit top notch developers and high tech companies to Manchester to the Millyard and to this science and technology park. The best and most successful developments incorporate a collaborative effort where everyone is moving in the same direction...pulling for a site, pulling for a community, pulling for resources to bring the education, the professionals, the research laboratories necessary and important to a particular company.

Alderman Lopez stated I think it's a great idea, don't get me wrong...it's a great idea. Being here for going on seven years now sometime we get too far along before we find out what the obligation is to the city and people spin their wheels for months and then find out we're not going to do it so I think that's the very first thing...defining just what you want the city to do and everything else will follow. If you know we're going to donate the land and you're going to build a garage and a facility I think that those are things that we need to know right away...don't come to us...and I say that with respect...not to come to us halfway through after everybody's spent their money and say oh you know what we need to land for nothing and stuff like that...I think you get the drift of where I'm going. Thank you very much.

Mayor Guinta stated I'm glad that you brought that up because as an Alderman for four years I too would share some of the genuine concern that Alderman Lopez is talking about in the Board of Mayor and Aldermen not in the past being fully aware and having complete

information relative to large scale projects. But, one of the things I want to reiterate is this is an informational meeting. I thought it was more important to bring the city leaders and the elected leaders into a room and reiterate the plans now at a conception stage rather than wait the four or five months and come to this Board and all of a sudden ask for a vote. I think that it's proper and appropriate for every person in this room to have a complete understanding of the vision that the University System has and I think the vision that we all share in trying to expand the tax base, provide additional depth to the business space, provide a better employee work pool not for just the existing businesses but technology based businesses that we hope to attract and to me this is the first step. I would agree and echo the sentiments that further refinements and definements of the roles have to occur before we take any action as a Board and that's certainly something I'm committed to and I'm glad you brought it up.

Alderman Shea stated if you recall I tried to have established in the Board of Mayor and Aldermen an Economic Development Committee which was not approved by the previous mayor but I believe it would be instrumental for this particular Board to have an Economic Development Committee so that Paul and the other individuals that are interested in coming into the city and presenting their propositions can keep the Aldermanic Board updated in terms of the progress and what needs to be answered or what questions might be asked. So, in the future, your Honor, I think that that should be given serious consideration. The second point is and I'd like to ask when is this particular project envisioned to begin, is it to start within a few years or a year or six months or what have you...do you have any timetable at all?

Dr. Woolever replied I would like it to start tomorrow.

Mr. Borek stated Dr. Woolever is very anxious to get going and so are we but I think we envision taking the time, working together with the university, city staff to craft a request for proposals that carefully lays out what opportunities we're interested in and would specific two developers who would submit proposals exactly what they propose to do and what they would request of the university and the city to do. So, I think our goal is to work together, to craft an RFP over the next couple of months and I should add that we're being guided by some experience that the Department of Finance is helping us with in terms of an RFP process that enables us to go out early to the marketplace with a draft RFP and refine it with developer input and go back and forth and share and learn before we get to specifics and of course before we get anywhere to the point of commitment we would report to the Board and discuss considerations, proposals and alternatives.

Alderman Shea stated as a follow up, Paul, would you find it helpful if there were established an Economic Development Committee at the Aldermanic level to sort of feed off and bounce things off of, would that be helpful in your role as the Economic Development Director?

Mr. Borek replied I believe in strong and open communications with the Board of Mayor and Aldermen and I would look forward to working with each and every one of you on this project and other projects that come forward I'm not sure what the best vehicle would be I haven't given that a lot of thought but I guess I'd like to maintain an open door and stay in close communications with each of you because your support is critical to the future of the city and in particularly the economy and the businesses in the city.

Alderman DeVries stated Dr. Woolever I'm hoping that you can just tell me a little bit how you're going to decide what type of technologies you are going to expand upon and pursue in order to match and bring in some new businesses in the city, how are you going to go through that process and decision.

Dr. Woolever replied a real good question. We have already begun doing that. Certainly the city has had some consultants come in and do some research about Manchester and the possibilities here, we have all of that data, we also have data from the state itself and I've got a stack of it here indicating the growth areas, indicating the areas that are...how many high school graduates there are and where they're intending to go to school and so on and so forth. We have all of that information. We have talked with the University System as well as the President and Provost of the University of New Hampshire in Durham and we've talked with the Deans of the College of Engineering and Physical Sciences and with the College of Life Sciences and Agriculture and we have a whole list of programs that we believe will work here and be delivered from the under graduate level through the graduate level and we're in conversation with various corporate entities here also to talk about those same kinds of matches. We would not do anything without doing a market survey first and making sure that it would work.

Alderman DeVries stated a very brief follow-up if I might because certainly having the right workforce to meet the business needs is so essential not only to just Manchester but to all of New Hampshire trying to compete with the 128 beltway or whatever their traditional location of technology might be and I'm thrilled that here in Manchester we might have the opportunity to improve on that. One iota and maybe you can confirm or deny for me I've heard that Manchester has the largest number of college students in the state above and beyond Durham which surprised me, is that a correct fact.

Dr. Woolever replied that is correct. We have more college students in this city than any other place in the state and many of those college students leave to go to other states for graduate school and for employment.

Alderman Duval stated I appreciate getting this information in the manner we are. I was just curious...UNH Manchester...do you think they are perceived as being a good neighbor to businesses currently located in that Millyard District. I don't know if you know but there are already a number of businesses located down near the campus I'm just curious if you were to

poll neighboring businesses a number of which have relocated there in the last couple of years...law firms and so forth...are they a good fit?

Dr. Woolever replied I have heard absolutely no complaints, I haven't been here that long but if there were to be any I would certainly become a very good neighbor to them.

Alderman Duval stated I'm just curious will they be reading about this for the first time in tomorrow's paper.

Mr. Borek stated businesses in the Millyard.

Alderman Duval asked has there been some kind of outreach to surrounding neighbors to the campus?

Mr. Borek replied this represents the early stages of some of these discussions. I think some may, some who are closer to the university may have an inclining of this.

Dr. Woolever stated I have talked with the immediate abutters.

Alderman Gatsas stated I would hope that in your looking for expansion possibilities I think we have a 17-acre site known as JacPac and I would think that some of the land along the river in the buildings that you occupy would produce some of the higher tax rates that we would see if we would do a development down there and continue to developing the Millyard. I would think that the 17 acres would offer you a campus site along with parking that wouldn't be parking garages that I know the city would end up having to look to pay for but I think it would give you a site you could call your own campus. I would think that in the early stages that may be something that you should look at or talk about or at least do a first run by it to see if it fits your needs because I think it gives you the downtown location, it gives you the acreage that you're looking for and it would enable the city to get some of the buildings that you now occupy on the tax roll.

Mr. Borek stated I appreciate your comment, Alderman. One thing we do envision in terms of moving forward with a development project like this and soliciting private developers to develop a campus involving the university and businesses with that could be that this development will be on the tax rolls and that the university would be a tenant in the development at least in the early stages.

Dr. Woolever stated as I said earlier these discussions are in the early stages but we are very pleased with our location at the center of the city and look forward to being a magnet in the center of the city for science and technology.

Mayor Guinta asked are there any further questions from the Board. There were none.

Being none, thank you very much.

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Informational – to be Received and Filed

- A. Minutes of the MTA Commission meeting held on January 3, 2006 and the Financial and Ridership Reports from the month of December 2005.

REPORTS OF COMMITTEES

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- D. Advising that it has approved Ordinance:

“Amending Sections 33.024, 33.025 and 33.026 (Building and Facilities Maintenance Coordinator) of the Code of Ordinances of the City of Manchester.”

providing for the establishment of a new class specification, Building and Facilities Maintenance Coordinator, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote)

- E. Advising that it has approved Ordinance:

“Amending Sections 33.026 (Planning Director, Conservationist, Planner I, Planner II, Planner III and Planner IV) of the Code of Ordinances of the City of Manchester.”

providing for changes in class specifications, which do not change the title of a position and do not provide for any changes in salary grades of such positions and is forwarding same to the Board for adoption.

(Unanimous vote)

- F. Advising that it has approved Ordinance:

“Amending Section 33.026 of the Code of Ordinances of the City of Manchester providing for updates to Class Specifications for several Water Works positions.”

providing for changes in class specifications, which do not change the title of a position and do not provide for any changes in salary grades of such positions and is forwarding same to the Board for adoption.

(Unanimous vote)

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN ROY, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

Report of the Committee on Administration/Information Systems:

B. Advising that it has approved Ordinance:

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new chapter 94: Noise Regulations.”

with changes and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

(Aldermen O'Neil, Smith Forest, DeVries voted yea; Alderman Lopez was absent.)

Alderman DeVries stated first of all I would like to correct the vote that was at the committee level because I have not supported the noise ordinance previously and that was only for one very small reason in that it had a blanket exemption and therefore airport run up noise and I am very pleased and the main reason I am taking this off the agenda tonight is that I'm very pleased to say that we have in place a new airport policy that is addressing for Alderman Garrity and myself the run up noise issues that we experience in our neighborhoods and it meets my expectations and I'm happy with that so I can now make the motion to pass and accept the report from the committee and pass the noise ordinance.

Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Administration/Information Systems:

C. Advising that it has accepted a report from Manchester Communication Access Media, Inc. (MCAM) indicating they are operational and fully functioning at their current location and submitting a list of expenditures, and is forwarding same to the Board for informational purposes.

Alderman Gatsas asked is there somebody here who can talk about the inserts that are here in Item C as far as MCAM.

Mayor Guinta asked is there anyone here who can speak regarding Item C the MCAM statement.

Alderman Gatsas moved to table. Alderman Osborne duly seconded the motion.

Alderman DeVries stated I was wondering because it is a report from the committee are you tabling the whole report.

Alderman Gatsas responded I am putting on the financial statement that I see from October and I am just looking for someone to come in and verify the amount of money that we have

given them, the fit up and some of the other things that we had asked for them in that committee to bring forward rather than just an asset.

Mayor Guinta stated I believe a motion would be in order to table that item for further clarification.

Alderman O'Neil stated when this came before the Committee on Administration, they actually were there and there were no questions. I guess in fairness to them I have no problem voting to put it on the table but we should be very specific when they come back about what information they should be providing. I don't know what was requested previously.

Alderman Gatsas stated well I guess a tabling motion has discussion and that's okay but I guess since I don't sit on that committee I didn't see it. I was on that committee and I was the one that requested it at this full Board. I guess they should come back and at least address it at the full Board because my question is how much money did we give them, how much did we give them for equipment and does that money total out to what we see here.

Mayor Guinta called for a vote on the motion to table pending further information. There being none opposed, the motion carried.

Alderman Lopez asked is somebody going to inform them exactly or is Kevin Buckley going to review it or what?

Deputy City Clerk Johnson answered the Clerk's Office will ask MCAM to respond.

Report of the Committee on Joint School Buildings:

- G.** Advising that they have authorized the expenditure of up to \$29,800 for the full assessment and roof structure design for Hallsville School.
(School Committee Members Herbert, Beaudry, Gelinas and Aldermen Roy and Forest voted yea; Alderman Thibault was absent.)

Report of the Committee on Joint School Buildings:

- H.** Advising that they have authorized the expenditure of \$115,000 for a fire alarm system at Beech Street School.
(School Committee Members Herbert, Beaudry, Gelinas and Aldermen Roy and Forest voted yea; Alderman Thibault was absent.)

Alderman Shea stated I'm not quite sure in which direction the Board wants to move your Honor in lieu of the fact that obviously we do have concerns about different matters relating to the Joint School Buildings contract with Gilbane but I want to mention that Hallsville School is an excellent school. Hallsville School has been there since the year 1891, produces excellent students and as far as I'm concerned it's a very good move to have the roof looked at. But, I'd like to add a little bit of something here, your Honor. In about the year 1906 and this is sort of for the enrichment of people's minds and memories the Hallsville School was

split into two parts and people often wondered at that time how the school was moved forward and how it was moved backwards. For those who don't know it was moved forward and backwards by oxen...that's how it was moved in 1906 so that's just a little bit of tidbit I guess that probably people didn't realize but oxen did move that building forward and backwards and as far as this is concerned I would like this to be approved predicated on how it plays out with Gilbane and so forth.

Alderman O'Neil stated a question on this issue, your Honor. Doesn't under state law the Joint School Buildings Committee...this is for informational purposes only...we don't have any jurisdiction over it, I believe.

Mayor Guinta stated I would actually ask the Solicitor to respond to that.

City Solicitor Clark replied that is correct...jurisdiction resides in the Joint School Buildings Committee...this is informational to the Board.

Alderman O'Neil stated we can't take any action one way or the other it's not binding.

Alderman Shea stated it's already approved then. Thank you.

Alderman Roy stated I do sit on Joint Schools and I know there is some concern being played out in the paper and we have a number of representatives from Highway and Building Maintenance here this evening. We did approve this knowing that there were some issues regarding Gilbane but we're not going to stop the project or some of the deficiencies that are found even in some of our grade schools...former Principal Shea...while there were discussions and possible litigation when on so this and Item H we're looking to approve them for the safety of the children and to assess what we have in our schools. The school was moved and it was built quite sturdily but some deficiencies were found and we'd like to find out exactly what that is so that is why we approved it.

Alderman Gatsas stated I guess that's why I'm bringing H up but maybe we can discuss them both at the same time here. I would think that the Joint Committee at this time would maybe stop spending until we get an answer of where we're going with Gilbane because I think when I'm reading in the paper today that some members didn't know that this existed I'll remind everybody I talked about this five months ago and at that time I heard it was an \$11 million problem. So, I would think that maybe we can send a directive to at least the members we have here that maybe we shouldn't be allocating any more funding until we come to a conclusion with where we are with Gilbane so that at least we protect the taxpayers if we can do that.

Alderman Long stated just a clarification on the Committee on Joint School Buildings...now they authorize the expenditures with respect to the design/build and is this with respect to design/build or is this above and beyond...an RFP that went out.

Mayor Guinta replied as I understand it there is a contingency and the Joint Committee is entitled, under the state law, to spend for like projects. Some are change orders, some are requests directly related to changes in the project itself, others are separate requests that are being utilized by the contingency funds that are bonded in the \$105 million renovation project.

Alderman Forest stated one of the questions...several Aldermen and several of the School Committee members had asked questions. This is something that was carried over from the Finance Committee that was sent to the Committee on Joint School Buildings. The questions that were asked are was the money available to do these projects and we were given the answer that they had voted this money, sent it to our committee...so the money was there, it was just sent to us for approval to get this done but the money was supposedly there already and we asked these questions and that is why we voted to approve it.

Alderman Osborne stated the question I have is does this change the original contract or agreement with Gilbane by doing these other things that we're doing?

Mayor Guinta replied these particularly requests like G&H...these are additional requests that I believe are identified by the Joint Committee but because there's a contingency they're drawing down on that contingency to pay for additional needs that they identify as priorities within each school in our city.

Alderman Lopez stated just a couple of things. I understand the process of the Site Committee of the School Department...they make recommendations to the Joint Committee on the contingency money that they have in the school design/build and it's been ruled that they have the right to spend the contingency money by the Joint Committee and that's what Attorney Tom Clark said. I just had one question I have to ask...how did Beech Street School...was that addressed...you mean we had a school without a fire alarm...can the Chairman or one of the Aldermen who sit on the Committee explain that please.

Mayor Guinta called upon Alderman Roy.

Alderman Roy stated if I could Tim Clougherty and Frank Thomas are here...they're our resident experts and many of the deficiencies just as Tim is coming up to clarify come to us through the Building and Sites but also from city staff and the city's designated construction manager that find the deficiencies as the schools get worked on, so if Tim could address the fire alarm issue.

Alderman Lopez interjected just a point I'd like to make. How do we have a school that does not have a fire alarm already in existence?

Mayor Guinta stated before you begin let me just make a quick statement because these issues relative to the information that was sent out regarding Gilbane that's been reported in the paper is also something that we are going to be discussing in non-public session, I certainly want the Board to have the ability to ask questions...these are obviously related items...I am going to ask though that if...the Solicitor believes that we are moving into issues that should be held in non-public session and I will ask him to notify us that but I certainly want us to be able to have a public discussion.

Alderman Shea stated we were given and I'm going off a little bit...we were given a confidential information sheet...now, I looked up the word confidential...and the definition for this is "practice in confidence, known only to a limited few, not publicly disseminated...private, secret or relate or confide private or secret matters characterized by or relating to information considered prejudicial to a city's interest and advantageous to its opponent...whoever leaked this information, your Honor, did it for political reasons...this is the wrong thing to do. We're a Board here and I'm not accusing any one of leaking this information but this was labeled confidential information...it puts the city in jeopardy. We are a Board of Mayor and Aldermen and I know that this information was disseminated to others. But, whoever leaked this information is not working in the best interest of the taxpayers, your Honor. I can use that word because we are subject here to our opponents in this particular matter knowing this and this was the wrong thing for that person or persons to do because this information was labeled confidential information...it places Frank Thomas and other individuals at a disadvantage and I think we've done a very grave disservice to the City of Manchester and whoever leaked this I hope they're proud of themselves because they are not really working for the benefit of the citizens of Manchester. Thank you, your Honor.

Alderman Gatsas asked may I get a clarification as to where the Alderman was going?

Alderman Shea stated I was going to the fact that this was confidential information that should not have been leaked to the press...that's where I'm going.

Alderman Gatsas stated I think the two questions that we just brought up are G & H which are on the agenda tonight.

Alderman Shea stated no...the information here was brought up at the Joint meetings. We're talking about this particular item...I'm sure you got this...what it had to do with all of Gilbane's increase from \$99 million to \$105 million...this was confidential information that should have not been leaked to the press.

Mayor Guinta stated he's referencing the Gilbane matter.

Alderman Shea stated in other words when something is labeled confidential, Alderman, what does that mean to you...it means that we should not be revealing.

Mayor Guinta interjected I'd like to go in order here. So, I certainly understand Alderman Shea's concern about confidentiality it does yield a broader question and we probably need to have some clarification from the City Clerk about what confidential actually means, what you're entitled to disseminated based on confidential versus non-public versus sealed minutes and non-public...so I think we do need a refresher course but there's a larger issue here that this issue should have been presented to the Aldermen long before it was presented this week and at this meeting and that's an issue that's overlapping what you're talking about.

Alderman Shea stated actually the City Solicitor should make a determination about what confidentiality means not the City Clerk...he's the attorney.

Mayor Guinta stated I don't think the City Clerk is making that determination.

Alderman Shea stated I thought you asked her for it.

Mayor Guinta stated did I say that I apologize I meant the City Solicitor. Why don't we go back to Alderman Lopez because he has a question for Mr. Clougherty.

Alderman Lopez stated since you've allowed the question on the floor so we can clear this one issue up could the City Solicitor tell us what confidential information to the Board means.

City Solicitor Clark replied there are levels and levels of that and we'll have to discuss that a little bit later but right now you've got the items before you of G & H and I think those are appropriate for the Board to discuss.

Alderman Lopez stated I will repeat my question. How does a school...we have a school in the City of Manchester that does not have a fire alarm system.

Mr. Tim Clougherty, Chief Facilities Manager, stated the school has a fire alarm system...the problem was with the levels of coverage that the school had. During construction we realized and in conversations with the Manchester Fire Department that the system was replaced a number of years ago but because the school had asbestos containing ceilings some provisions were made that didn't require full coverage of the fire alarm system because we knew that we were going to be doing a project like the design/build in not too distant a period of time. The fire alarm system was existing...what we're looking to do now is to upgrade that system to provide full coverage for the entire school.

Alderman Lopez stated just a comment and you can reply if you want but the original design/build was not to take care of all of the problems that are there today...we could spend another \$100 million if we wanted to if we had it.

Mr. Clougherty stated correct it wasn't the intent to take care of everything.

Alderman Lopez stated I do remember that the contingency money was there for the project itself and I understand the School Department has jurisdiction over it and the Joint Committee but I think Alderman Gatsas is absolutely correct...the contingency money is there for the project so just keep that in mind as we move forward.

Alderman Gatsas stated what I'd like to do is maybe make it in the form of a motion so that Mr. Clougherty will understand that when the School Committee comes forward looking for more projects to send to the Joint Committee that somebody understands we shouldn't be doing anything until we get the scope of the confidentiality that Alderman Shea was talking about behind us. I would hope that you would remind them and if you need me to make a motion, your Honor, once we've concluded these two items that merely says that the contingency would stay in place until we get the confidentiality item off the table and behind us I'll do that.

Alderman Roy stated while I appreciate Alderman Gatsas' sentiments of getting the other subject behind us we are also in the middle of the \$105 million upgrade project. I, myself and I'll speak only for myself and if Alderman Forest wants to speak for himself who is on the committee...we scrutinize everything that comes into that committee, we watch it when it's in Buildings & Sites Committee for the School Board, if it gets approved we watch it when it comes to us, we've watched the balance of the contingency fund and if Frank Thomas wants to talk about what's left if you have that information with you here this evening compared to what has been spent...every change order, everything gets scrutinized and the other matter in front of us does not relate directly to the safety and well being of our children and our schools. A fire alarm system and a roof structure relates directly to the safety of the children in our schools...that's what we're charged with...that's the \$105 million project which included the contingency that we've been very frugal in spending and if you could just recap with this Board what has been spent and what is still available.

Mr. Clougherty stated the contingency started off roughly at \$5.6 million. We've spent roughly \$2.6 million leaving a balance of about \$3 million...between \$2.8 and \$3 million...I've got the exact numbers in my folder that I can share with you later or even send out a report to the full Board but we're looking at between \$2.8 and \$3 million left in contingency and a good portion of the \$2.6 to \$2.8 million that was spent was done with expansion of the scope of the project...things like the bleachers at Central High School and

things of that nature. So, it's not just unforeseen conditions or anything like that so it's been spent frugally.

Mayor Guinta stated I served on the Board too when we voted on this and my understanding and I think many people on the Board understood that contingency was for the scope of the project not at a 95% completion rate to start spending down on other similar types of projects. Now, it has been the rule of the School Board and the Joint Committee to make those decisions. But, I would echo the sentiments of Alderman Gatsas and I am certainly going to ask for a vote. I would certainly encourage that committee to spend zero from this day forward. This is a serious issue that we have before us. I think it is extremely important to make sure that everyone in this room, as you have the right to, to have that information and to make decisions based on that information. So, if it were up to me and I hope that the Board understands the seriousness of this issue and that until it's resolved we shouldn't spend anymore and we can talk certainly further about that in non-public, however, I believe that the contingency is for the stated project not for additional projects that are similarly related at the 90 or 95 percent completion rate of a project.

Alderman O'Neil stated just for clarification you're recommending we go forward with G & H or not.

Mayor Guinta stated as a matter of law I believe we can't rescind those payments unless that committee could. I don't know where it is in that process.

Alderman O'Neil stated my concern would be both of these are safety issues. We have a structural issue with the roof at Hallsville and we have an issue with the fire alarm system at Beech Street. Those need immediate attention.

Mayor Guinta stated as I understand...we can't under state statute we don't have the ability to stop previously approved...

Alderman O'Neil interjected a question of Mr. Clougherty if I may.

Mayor Guinta replied sure.

Alderman O'Neil asked Tim wasn't some of that contingency money used for asbestos abatement throughout the city...not throughout the city but many school buildings throughout the city?

Mr. Clougherty replied there are probably between \$700,000 and \$800,000 worth of unforeseen conditions where we encountered asbestos that necessitated change orders.

Alderman O'Neil stated I don't think that was necessarily...the bleachers was one particular issue but I think they had no choice but to address those asbestos issues as they came up and I think that was perfectly, a very good decision on the use of that contingency money.

Mayor Guinta stated I'm not suggesting it wasn't but that's \$700,000...

Alderman O'Neil stated some are having the impression here that some of the contingency was spent on little extras. I don't find asbestos abatement a little extra.

Mayor Guinta stated I don't think asbestos abatement is but it's \$700,000 of the \$2.6 million that's been spent. Why don't we get a list...since we're in discussion here let's get a list of what's within the scope and what's not within the scope because again had this Board or that committee known in September what it should have that committee probably would have spent very differently from September to today.

Alderman Forest stated as far as I understand the committee that I'm on it's Joint School Buildings...not city buildings...we don't control what the school spends...this is a matter of courtesy that this committee sends a report of what we've done on the school buildings. I don't think we can tell either this committee or the School Department...we can ask them or advise them to but we can't tell them where to spend or where not to spend. We don't have that authority and if that's the case. If that's where you want to go then maybe we ought to dissolve this committee and just let it go to the School Committee Finance and get away from it.

Mayor Guinta stated I think you're missing the point. The concern that I have is for a short-term given the request by Gilbane. It's not for the long-term. I believe that the committee has merit in standing to have oversight over the project and it should continue. What I'm suggesting is why we cannot force the committee to stop spending. I am strongly encouraging it to spend zero from this day forward until the Gilbane issue is resolved because as Alderman Shea quite loudly effectuated this is a taxpayer issue and I would agree with him on that point. We have to be very careful particularly as we move to the completion date of this project.

Alderman Lopez stated I also we must rely on our professionals and the City Solicitor...is the confidential memo confidential anymore it's been in the paper, is it public information.

Mayor Guinta called upon Attorney Clark.

City Solicitor Clark stated we should recess to talk.

Alderman Lopez stated I guess the point I want to make is that if I believe Frank Thomas in stating what was in the paper of what the negotiations were all about it's not going to be that

high of a number and knowing and working with him over the years especially on the Riverfront Committee we've had many a things that developed along that line and same situation so unless there's a legal thing that really has been coming to the City Solicitor or Frank Thomas...and we can discuss that...I don't think we need to make a motion, I would hope not for the simple reason that the Joint School Committee does have authority and the Sites Committee could say we want to spend it with a three to two vote and that's the legality that the City Solicitor has ruled on so I think we're in a Catch 22, it's their money, they're paying for the bond.

Mayor Guinta interjected I would disagree it's not their money, it's the taxpayer's money. We have a fiduciary responsibility to see this issue through. By statute they are provided that oversight but there is nothing that says in the statute that we can't act as a Board and encourage or request certain actions and I'm encouraging a request from this Board which is different than an instruction.

Alderman O'Neil stated I think we're mixing two things here...can we clear up G & H...there seems to be a consensus that both of these projects are worthwhile, let's get them done and then maybe we can have the bigger discussion...we keep mixing up both things, just a suggestion, your Honor.

Alderman Osborne stated that's exactly what I was going to say. Let's get G & H over with.

Alderman Shea stated I thought we already had it's already been approved that's what you mentioned. I'll move to accept the report.

Alderman O'Neil duly seconded the motion to accept the report.

Alderman Shea stated if we could send a letter to the Committee on Joint School Buildings asking them if they would in turn respect our desire for them to use caution or not to proceed with the proviso and I'm not quite sure how to word it at this time...but, just advise them that we would like them to use caution when they make financial determinations in the future until we reserve the problem with Gilbane. As Alderman Lopez has already said we really don't have any control over what they do or don't do we don't want to alienate them to the point where they're going to do it anyway and say forget it but if we can work together with them...you get more with honey than you do vinegar so that's the way I would word it.

Mayor Guinta stated if we could take up G & H first and then take up that issue. Would it be appropriate to take up that issue after G & H.

Deputy City Clerk Johnson stated we have a motion on the floor to accept both reports G & H.

Alderman Pinard stated something is bothering me here...Beech Street School...when did this all come about...a fire alarm in the school should have been done when the school was built if there are any deficiencies anywhere the Fire Department should have picked it up before now...this puzzles me very, very much because it doesn't make sense.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

Mayor Guinta asked would it be appropriate for me to accept a motion if there's a motion on the floor relative to the second issue.

Deputy City Clerk Johnson replied you could.

Alderman Gatsas moved that the contingency fund of the \$105 million project that was appropriated...the scope of that project that there be no further allocation of funding based on RSA 33 B which the City Solicitor will be giving us a ruling on and what that is is that any bonding that isn't appropriate to a project come forward with another full vote by this Board to move that project to another entity. So, I'm asking the City Solicitor to rule on that at some point because it's RSA 33 B that says any bonded dollars that comes to the city if anything is left over in contingency it must come to this full Board for a vote before it can move to another project.

Alderman Pinard duly seconded the motion.

City Solicitor Clark stated Alderman Gatsas just asked me to review it and I told him I would and I'll get back to him comparing 33 B with the authority of the Joint School Buildings Committee. The motion itself will probably delay spending of money you say were outside the scope but it won't affect change orders that are a result within the scope that are found unforeseen circumstances under the project.

Alderman Roy stated if Frank and Tim could come back up.

Alderman Shea stated Alderman DeVries mentioned that oxen move faster than the Board of Mayor and Aldermen...I don't know if you agree or disagree.

Alderman Roy stated this discussion has been over two subjects: one that has already been voted on by the Committee on Joint School Buildings to take care of the contingency problems that have come out of the school build...have any of the 20 changes orders been outside of the scope of the design/build project.

Mr. Clougherty replied I think you could look at it either way. The scope of the design/build project was additions and renovations to 21 schools in Manchester. Let's use flooring for an

example...flooring at ABC school was 20 years old and during the course of the project we replaced that flooring...there was other flooring that we should have considered that was 15 years old that didn't come up when the initial project was scoped out but because of the abilities that we had financially it was the will of the committee to see that further renovations were made under the auspices of the design/build project. So, it could be considered an expansion of scope and it's plain and simple terms but again the definition of the project was additions and renovations to 21 schools, which is extremely broad.

Alderman Roy stated I would make a request because it seems to be a lack of information that has gotten to this full Board and as one of the Aldermen on the Joint Schools I will take partial responsibility for that but I would ask Tim Clougherty or Frank whoever wants to compile the information to forward all of the change orders and their amounts and the budget from what you typically give the Joint School Buildings Committee the first four or five pages of our agenda so that other Aldermen who haven't been paying attention can see what the money's been spent on, where the improvements have been made and I would also like the Solicitor to take a look at if any of those have been outside the scope of work and I would also ask the Finance Director who has commented in the past whether or not we're within rights as Joint Schools to spend the bonded money...if he could advise this Board as well as to what those dollars can be spent on within the scope of work. Thank you.

Alderman DeVries stated maybe Finance or somebody can tell me if within the existing scope there are funds left in contingency at the end of this project what will happen with those funds? So if this motion limits the Joint Schools ability to drawdown, if you will, what will happen with that bond issue?

Mayor Guinta replied for clarification I think it limits the ability to drawdown on projects outside the scope not inside the scope.

Mr. Kevin Clougherty, Finance Officer, stated this Board has bond balances come before it all the time and it's reallocated for other purposes that had a similar life and it's the same basic approach here. The Solicitor and I will look at it tomorrow and get the information and give you a detailed explanation what has been allowed and what's good and what isn't and if there's a balance at the end of the project how that will be allocated but my feeling is it's like any other bond balance that would come back to the Board...you are the appropriating body.

Alderman DeVries stated so what you are saying is that will then put the jurisdiction of how those dollars are spent back on this Board and take the Building and Sites Committee out of the process all together.

Mr. Clougherty replied again until we do research on this I don't want to say that that is exactly the way it works but that may be the case because if you have a project and it's completed and there's a balance it may have to go forth other school work or it may have to

have other actions but I would not rule out that it doesn't have to come back to the Board and I think Tom and I both want to have an opportunity to look at that.

Alderman DeVries stated one final follow-up if I might because though I agree it's important for the Mayor and he does sit as Chairman on both bodies so he certainly will have the presence to know that he would advise that they do not continue to...from Building and Sites...bring forward additional projects until he has some sense of the stability with the other issue we will be taking up later. But, I don't know that it's necessary for us to move the decision on the school priorities from what should be a systematic decision-making process over at the schools where they are in touch hands on with each of the different schools and choosing their priorities and to bring it over to this body where it then will become a free for all I'm afraid based on our politics and our wards and getting projects in our own wards. I just don't know that I would want to do that. I think I would agree that let's let the Finance and the City Solicitor look at this, not pass a motion on this tonight and advise us at least at our next meeting before we make a decision to pass a motion. Thank you.

Mr. Clougherty stated along those lines what we'll look at is you can only do what you're statutorily allowed to do and we'll look at that and certainly if Joint School Buildings is doing what its responsibilities are...there's no reason to suggest that they haven't...we'll come back and give some clear direction as we wind down this project so that everybody knows going forward how this should play out given some of the confusion.

Alderman Gatsas stated let's make it perfectly clear if we were to have held that \$5 million outside as a true contingency and held it by this body because that would have been overruns that were in the project not facing additional spending because that's basically what we're doing. Contingency is if there's a problem within the project is that not right, Frank?

Mr. Frank Thomas, Public Works Director, replied that is correct.

Alderman Gatsas stated so when we additionally just decide we're going to spend money on other projects like putting up petitions in schools that's additional scope, that isn't contingency to say you know if we have a project and the asbestos is an additional \$800,000 to remove from those schools that's part of that. So, if there was no contingency some of these projects that we see here today that were approved couldn't have been approved.

Mr. Thomas stated I think as mentioned early on it can be interpreted that you could use these funds for other purposes but yes your strict definition of what a contingency is for is correct. Going through the project, something is revealed that should be addressed such as asbestos abatement...the issue of fire alarms I would say that is inside the scope of the work. Again, our alarm system was not up to today's codes.

Alderman Gatsas interjected okay then let me ask the next question then...if there was no money left in contingency you'd be coming to this Board, I would assume, if there was no money left for \$115,000 for a fire alarm system at Beech Street School wouldn't you?

Mr. Thomas replied we would be seeking funds that is correct.

Alderman Gatsas stated so I guess that's my point. My point is if there was no contingency you'd be coming here. You wouldn't be going to Joint Schools because they wouldn't be able to appropriate money.

Mr. Thomas stated that's correct.

Alderman Gatsas stated so why are we spending and why wouldn't we want to send a directive until we heal this problem going forward...I'm not asking you that question...I'm asking this Board that question and I'll just stop with that unless you want to continue.

Mr. Thomas stated seeing that you raised the issue I'd like to respond by saying that we're going to go into executive session and we're going to have a discussion regarding this request for additional compensation. I think my advice to the Board would be hear the discussion that's going to take place and then if you feel that you want to take a motion to direct the School Board then fine.

Alderman Lopez stated I just want to make one more comment and then I'm going to leave it alone until we get with Tom Clark. We're rehashing the same thing we did when this project started regarding contingency funds. The same questions came up, it was ruled from the City Solicitor that the Joint Committee has control over it, they can spend it, the Sites Committee of the School Board can made recommendations. If they get the Joint Committee to okay money out of there that's it...they can spend that money. Kevin, you mentioned the bond...they're paying for that money. If we take those bonds it becomes our debt and I don't believe that under the agreement of the Supreme Court that we can just take their money but I'll let the experts figure all that stuff out.

Mr. Clougherty stated you're exactly right on that, Alderman.

Alderman Roy stated I think I've said enough on this subject but I want to make one final point. Things like fire alarm systems, things like the \$1.1 million asbestos removal...the change orders that were brought to us, the putting down floors where they're rotted, adding bleachers that were about to fall down and creating safety for children in our schools is exactly within the scope of work and exactly within the purview of the Joint School Buildings Committee. We've spent money where it needed to be spent, we haven't spent money in other places and the majority of the money has far gone to removal of hazardous materials from our schools and now what we're spending money on are things that could not

have been foreseen four years ago when this came up and are being found out by city staff brought to two committees who are given the authority to appropriate that money and I've done so in an intensely frugal way. We were told in the scope of work to make 21 schools better and because we've been frugal comes to having \$3 million left over to close in some open classrooms so the educational experience can be better for the children in those classrooms...some with educational and hearing problems then that is what we're going to do and that's within the scope of work...is a charge...many years before, a year before I got on this Board to do that and our city staff has done it correctly and our committee has been very frugal with that money and I feel personally very justified in every dollar we have spent.

Alderman Gatsas stated I don't know if Alderman Lopez was suggesting that we make the School District a department again but I certainly would second that if that's where he was going and maybe it's time we start talking about that again and we can leave it up to the voters of the city.

Alderman Lopez stated I'll answer that. The Supreme Court ruled and we went through that whole process before...if you want to bring it up we'll tackle it again but we're going to be back in court. Move the question whatever it is.

Mayor Guinta stated a final comment and called upon Alderman DeVries.

Alderman DeVries stated thank you very much. I'd like to offer an amendment that we change this to the suggested advisory that until the School Board and the Building and Sites Committee hears from their Chairman who would be Mayor Guinta that he is feeling more comfortable with the spend down of the contingency, that they work with us until we have more resolution...not as a motion but make it an advisory and let the Mayor do his job as Chairman of that Board as well and advise them...he'll be hearing from the department heads, he'll have a sense to where this is going, hopefully rather quickly.

Alderman Lopez stated I'll second that.

Mayor Guinta stated there's a motion on the floor.

Alderman DeVries stated that would have to be an amendment.

Alderman Gatsas stated I don't accept the amendment so I guess we can vote the motion and if you want to make another after that.

Alderman DeVries stated a point of order. Thank you. Then if members of this Board wanted to support that motion they would have to vote no on the first motion so they would have the opportunity to support that the next time around.

Alderman Lopez stated point of order. Any Alderman can make an amendment to anybody's motion and we vote on the amendment first.

Mayor Guinta stated procedural rules would go to the Clerk.

Deputy City Clerk Johnson stated if there's a motion and a second to amend the motion on the floor typically that would be accepted and you vote on the amendment first. It's the call of the Chair.

Mayor Guinta stated I wouldn't actually accept that amendment at the moment because I think it's imperative to make the first motion...this is an issue that we have to deal with immediately and I think that it requires that action, I think it's justified.

Alderman Lopez stated I would like to have a ruling from the City Solicitor on it because it is an amendment to a motion...are we entitled to make an amendment to the motion and then the amendment is taken up and then the final vote is taken. We've never done that before.

Mayor Guinta stated for clarification the Clerk just advised that I don't have to accept it.

City Solicitor Clark stated the Mayor presides at these meetings by statute...he decides what comes before the Board, he does not have to accept a motion. If the Board feels that that is inappropriate they may appeal to the full Board which takes 10 votes.

Mayor Guinta stated I will take a vote on the motion on the floor.

Alderman Garrity requested a roll call vote.

Alderman O'Neil requested further discussion.

Mayor Guinta replied no further discussion.

Alderman Shea asked what is the motion, your Honor.

Mayor Guinta stated the Clerk will repeat the motion, please.

Deputy City Clerk Johnson stated there's actually one motion on the floor and it was made by Alderman Gatsas and seconded by Alderman Pinard that the contingency on the \$105 million bonding outside of the scope of the project no further amounts of the allocation of that funding would be expended in accordance with RSA 33B.

Mayor Guinta stated a final question, Alderman Smith.

Alderman Smith asked what happens when it comes to a matter of safety.

Mayor Guinta stated if there's a safety issue it can be brought before this Board.

Alderman Smith stated it might not be able to come before the Board, they might have to fix the situation right away.

Alderman DeVries stated point of order.

Alderman Roy stated point of order.

Mayor Guinta stated I am not going to accept any more point of orders. I think we do need to...

Alderman Roy interjected may I just inform you on what happens.

Mayor Guinta replied no. I've ruled, we're going to take a vote on this. I think we've deliberated probably more than enough.

Alderman Lopez stated I think an appeal to the Board would be in order. Tom Clark as the City Solicitor has ruled that.

Mayor Guinta stated would you advise if that has to be accepted.

City Solicitor Clark stated if they disagree with your ruling about not accepting a motion they may appeal to the Board, yes, and you have to accept that.

Mayor Guinta asked what is the procedure for an appeal to the Board?

City Solicitor Clark replied it takes 10 affirmative votes.

Mayor Guinta stated that is something I have to accept. Does the appeal require a second?

City Solicitor Clark stated generally it does.

Mayor Guinta stated there is an appeal to the Board by Alderman Lopez is there a second.

Alderman DeVries duly seconded the motion for an appeal to the Board.

Alderman Gatsas requested a roll call vote. Aldermen Gatsas, Duval, Osborne, Pinard and Garrity voted nay. Aldermen Long, O’Neil, Lopez, Shea, DeVries, Smith, Forest and Roy voted yea. Alderman Thibault was absent. The motion failed.

Mayor Guinta stated the original motion is back on the floor.

Alderman Garrity requested a roll call vote. Aldermen Garrity, Gatsas, Duval, Osborne and Pinard voted yea. Alderman Smith, Forest, Roy, Long, O’Neil, Lopez, Shea and DeVries voted nay. Alderman Thibault was absent. The motion failed.

Alderman DeVries moved that an advisory note be sent to the Building and Sites Committee to work with Mayor Guinta who is the Chairman of the School Board as well and seek his advice for when it would be wise in his determination to continue to seek additional projects under contingency and to continue that discussion with the Mayor. Alderman Shea duly seconded the motion.

Alderman Gatsas stated I don’t think we can do that until the City Solicitor rules on 33B, I think that’s a pretty clear issue, it has to do about the bonding. If you want to take a recess for an hour and let him research it now or in two days I really don’t care.

Alderman DeVries interjected I don’t agree.

Alderman Gatsas stated we should get the Solicitor’s ruling on that.

Mayor Guinta stated I have a question for the Solicitor. We can take the vote on this. If it passes and we get a ruling from the Solicitor tomorrow and then a phone poll...would that then be in order or does that have to be...

City Solicitor Clark stated generally phone polls are frowned upon. They have no legal authority until they’re confirmed by the Board. Alderman Gatsas has asked us to research it. We will do so and I will be meeting with Kevin Clougherty, I’ll be meeting with Frank Thomas and Tim Clougherty on the scope of the work...we’ll go back and look at the original documents and find out what the scope was defined as and what RSA 33B has and we’ll get a letter out to the Board.

Alderman DeVries stated for the sake of moving the action along I will withdraw that motion. I think that the School Board certainly has the message that we are concerned until the Gilbane issue is settled and I’m hoping that the second will be withdrawn and we can move on on our agenda.

Alderman Shea withdrew his second to the motion.

Alderman Gatsas stated I would have thought they would have had that message back in September when there were allegations that could have been an \$11 million problem.

Mayor Guinta stated apparently they didn't.

8. Mayor Guinta presented the following nominations:

Manchester Development Corporation Board of Directors:

Cathleen A. Schmidt to succeed Scott W. Ellison, term to expire March 11, 2009;
Nick Soggu to succeed William Sirak, term to expire March 11, 2009; and
Alderman Armand Forest to succeed Alderman Henry Thibault as the Aldermanic Representative, term to expire January 1, 2008.

Mayor Guinta stated pursuant to Rule 20, these nominations will layover to the next meeting of the Board.

6. Confirmation of nominations to the Office of Youth Services Advisory Board as presented:
Peter C. Favreau, term to expire January 1, 2007;
Brother Paul D. Crawford, term to expire January 1, 2007; and
Rev. Christopher J. Emerson, term to expire January 1, 2007.

Alderman Pinard moved to confirm the nominations to the Office of Youth Services Advisory Board as presented. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

7. Confirmation of the nomination of Lillian Duval to succeed Daniel Waszkowski as a member of the Senior Services Committee, term to expire January 2009.

Alderman Shea moved to confirm the nomination of Lillian Duval as a member of the Senior Services Committee as presented. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

8. Confirmation of nominations to the Manchester Development Corporation Board of Directors as presented:
Jay Taylor, term to expire March 11, 2009; and
Michael McCluskey, term to expire March 11, 2009.

Alderman Forest moved to confirm the nominations to the Manchester Development Corporation Board of Directors as presented. Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

9. Confirmation of nominations to the Millyard Design Review Committee as presented:
Don Clark, term to expire January 1, 2009; and
Patrick Long, Aldermanic representative.

Alderman Roy moved to confirm the nominations to the Millyard Design Review Committee as presented. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

10. Confirmation of the nomination of Siobhan Keefe Tautkus to succeed Virginia Chandler as a member of the Personnel Appeals Board, term to expire March 2009.

Alderman Roy moved to confirm the nomination of Siobhan Keefe Tautkus as a member of the Personnel Appeals Board as presented. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

OTHER BUSINESS

11. State Legislative update by Mayor Guinta.

Mayor Guinta stated I just have a quick update. At the last meeting Alderman O'Neil had requested that we try to make available additional information to the Aldermen regarding bills that myself or the city department heads have acted upon in Concord. We did send out I think the day after the last meeting and will be sending one out again at the end of this week.

Alderman O'Neil stated I just wanted to thank Craig for that quick work in getting that out. I was very pleased and I want to thank him for that.

Mayor Guinta stated the two bills that I would just make mention of tonight are HB1436...the Biennial Budget...it did pass the House, it's now onto the Senate so we certainly hope that it will pass there. I believe it passed consent if I'm correct and then HB1305...the Business Licensing Amendment...initially the primary reason for this bill as amended is to enable municipalities to enact ordinances allowing them to acquire a more accurate gauge of what businesses and the principals behind them operate in a particular community allows us a little greater strength and a greater flexibility to provide business licensing in the city...that also has passed the House on Wednesday and is on its way to the Senate. Those I think are two of certain interest to this Board.

12. Communication from Alderman Osborne asking the Board to agree to increase the time allotted to speak at Public Participation meetings to three minutes.

Alderman Osborne moved to increase time allotted to speak at Public Participation meetings to three minutes. Alderman Shea duly seconded the motion.

Alderman DeVries asked would they be agreeable to amend this so that it's only if there are 10 people or less that sign up that we increase from two to three minutes. I just hope that our public hearing doesn't become a very lengthy process...if we have 30 or 40 people in the room three minutes each can exacerbate what is sometimes a very difficult situation for us as a Board anytime leading to midnight one o'clock meetings.

Alderman Osborne stated I would love to see that that there would be so many people in here that it would take a couple of hours...I'd love to see that.

Alderman O'Neil stated may I ask a question of Alderman Osborne. Is there a specific reason why this needs to happen?

Alderman Osborne replied is there a specific reason why it doesn't have to happen.

Alderman Forest request a roll call vote.

Alderman Shea stated I know years back and again when Robert Pariseau was on the Board we reduced it from three minutes to two but I think a lot of people take the time to come down. If they want to participate in city government, present their particular concerns to the Board of Mayor and Aldermen I think that it's incumbent upon us to respect that because basically people get up here and by the time they've opened their mouths for about 30 seconds, it seems to me to have a half-a-minute to go and it's like they're trying to get across and it's kind of hard, they're taking the time to come here. Basically, we're serving people coming here in order to listen to their thoughts and ideas. I know some come up here and they kind of castigate the Aldermanic Board...that's not what I'm referring to...I'm referring to people who have a genuine interest in this city that want to come and I think that when Alderman DeVries was speaking you're going to find that at budget time...you're going to have people coming in and laying it on us but that's alright. I think we should respect the rights of people in our community and I know that people come and before they can even say too much they're asked to leave because Matt or somebody in the back is saying "your time is up" and they're hurrying through and I don't think it's fair to them and I don't think an extra minute is going to kill anybody. So, I would say that I'm in favor of it.

Alderman Duval stated as a newcomer to the Board I think it's important that we do encourage public participation. I noticed tonight in special session we were probably done at 7:10 or 7:15...we sort of were able to have 15 minutes of just idle time while waiting for the 7:30 meeting to start and we certainly could have had time tonight, for instance, to allow more public input and participation and with that I would like to move the question.

Mayor Guinta stated Alderman Forest has requested a roll call.

A roll call vote was taken. Alderman Forest, O'Neil, Lopez and Smith voted nay. Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, Shea, DeVries and Garrity voted yea. Alderman Thibault was absent. The motion carried.

- 13.** Communication from Joan Porter, Tax Collector, requesting that \$14,000 be held in contingency in the event such funds are needed by the department at year-end due to the retirement of two employees.

Alderman Lopez moved to approve that \$14,000 be held in contingency funds for the Tax Collector's Office as requested. Alderman O'Neil duly seconded the motion.

Alderman Lopez stated I think this is one of those situations that we're just notifying Finance to make sure that they realize there is \$14,000 Tax will need but I would like...there are so many people retiring now that it used to be that the department's were able to absorb some of these funds into their budgets but in this particular situation she's had two people retire so maybe there could be a review of other people that are retiring and how much money is left in the budget and I'm sure Finance could go through that but she's just notifying the Board she's short \$14,000 and requesting it be taken out of contingency at the end of the year.

Mayor Guinta stated I believe also that that issue is probably an issue we'll be taking up during contract negotiations and review what one is entitled to once they do retire because the things that I've seen in the first six weeks or so is that there are a number of department heads have expressed to me their inability because of that additional out pay to hire either at that level or a lower levels and it's providing certainly strains on departments.

Alderman Shea asked Kevin could you tell us how much is in contingency at this time?

Mr. Clougherty replied we haven't taken anything out of contingency there's \$548,000 I believe in there still.

Alderman Garrity stated a question for Mrs. Porter. The total shortfall was \$48,000 and will be able to absorb everything but \$14,000...how did you accomplish that...did you not fill the positions?

Ms. Joan Porter, Tax Collector, replied one of them left back in September and when we replaced her was replaced at a much lower pay and so that pay has been working down since then...a lot of it came from that.

Alderman Garrity asked have both positions been filled?

Ms. Porter replied no.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

14. Ordinances:

“Amending Section 33.026 (Planning Director, Conservationist, Planner I, Planner II, Planner III and Planner IV) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.026 of the Code of Ordinances of the City of Manchester providing for updates to Class Specifications for several Water Works positions.”

On motion of Alderman Roy, duly seconded by Alderman Osborne, it was voted that the Ordinances be read by titles only, and it was so done.

These Ordinances having had the approval of the Human Resources/Insurance Committee, Alderman DeVries moved that the Ordinances pass and be Ordained. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEM

15. Communication from Gerard Fleury, Executive Director of the Manchester Employee’s Contributory Retirement System, advising that the System is seeking sponsorship in the NH Senate for three pieces of legislation in the 2006 session.

On motion of Alderman DeVries, duly seconded by Alderman O’Neil, it was voted that Item 15 be removed from the table for discussion.

Alderman DeVries stated I would ask Mr. Fleury to come forward to address the pending retirement legislation.

Mr. Gerard Fleury, Executive Director of the Manchester Employee’s Contributory Retirement System, stated I would like to take this opportunity to bring the Board of Mayor and Aldermen up to speed on events that have been unfolding slowly since October. It was back on October 28th that I wrote to the Board of Mayor and Aldermen informing them that there were certain legislative measures that were going to be introduced through the 2006 Session of the New Hampshire Legislature affecting various provisions of the Manchester Retirement System. Since that time those matters were written up as LSR’s...there were three pieces of legislation originally that you were informed of back on the 28th of October. Back on the 15th of November Mayor Baines had moved to table the item because he had concerns that the Retirement Board had not had significant time to review those items...that was done by the Retirement Board on December 13th and on December 21st I wrote a second correspondence directly to Mayor-elect Guinta to advise him that the legislation was still proceeding, that we did not know the exact status of it because it had been introduced late and we were not certain at that point whether they would actually successfully be issued

LSR's. We found out shortly after the first of the year specifically January 19th that LSR's had been assigned to three of the requested pieces of legislation. I'll now give you a brief summary of what that legislation seeks to do because some of the information...

Alderman Gatsas asked what is the position of that legislation today? Isn't that to be voted on in the Senate floor on Thursday?

Mr. Fleury replied I have no information as of today that either SB404 or 405 are scheduled for any hearings.

Alderman Gatsas stated and you're looking for this legislation and you're telling me it hasn't had a hearing.

Mr. Fleury stated the only source I have, Alderman, is what I get off of the Legislative website.

Alderman Gatsas stated I would suggest that you check those because I believe that they're coming to...I think they passed the committee unanimous ought to pass and they're coming to the full floor for a vote on Thursday is my belief.

Mr. Fleury stated the Journal dated February 17th was the most recent data that I was able to access.

Alderman DeVries stated I'm sorry if we're interrupting you a little bit because I know that these were late filings and I think that the Mayor's Aide, Craig Smith has been trying to track these for us and though I know we're getting very close to crossover dates for things to be leaving the Senate and come to the House to be voted on so if not Thursday they are certainly going to be voted on very soon. My question I guess is which pieces of legislation have survived? What are you asking us to endorse as a body?

Mr. Fleury replied there was a piece of legislation and I believe as backups to your agenda tonight you have copies of the information originally submitted by me last October. There's then a measure of evolution on one of those. It would be SB404...

Alderman DeVries interjected we don't have any of the LSR's or Senate bill numbers so maybe you could tell us what the analysis was.

Mr. Fleury stated certainly. The original intent of the first piece of legislation was to act as a contingency for benefit provisions that had been enacted in 2004. Senate Bill 402 had provided for a program where employees of the city with service between 1974 and the end of 1998 would be able to pay in an amount on an optional basis to increase the value of their benefit and we were uncertain prior to the inception of that program whether it would pass

muster with the Internal Revenue Service. At that time, the Board of Trustees opted to take a precautionary approach and requested a private letter ruling. We did not receive that private letter ruling until the 23rd of November, 2005.

Alderman Gatsas asked what was the bill number again that you're talking about?

Mr. Fleury replied SB402 it became Chapter 159 Law 2004.

Alderman DeVries stated in our package that we were given this afternoon for the rest of the Aldermen that would be the second bill in their presentation which starts with...An Act Relative to the City of Manchester Contributory Retirement System...the others have different titles.

Mayor Guinta stated if I could just interject...the bills are being heard on March 8th.

Alderman DeVries stated so it is my understanding then that that Bill 1123 or excuse me SB402 which is the middle one has been withdrawn and that was the one that also was changing the makeup of the Retirement Board.

Mr. Fleury stated 402 was passed and enacted in 2004 but we were uncertain whether it would...after it had been enacted, was voted through at referendum, we were preparing to initiate the program in July of 2005...we came to question whether that legislation would pass muster with the federal government. So, we requested a private letter ruling of the IRS. When we submitted those LSR's in October one of those pieces was a backup contingency so that if the IRS came back to us and said there was something wrong with the plan we would have to amend the plan to bring it into compliance. Originally we said that if in fact the IRS were to come forward with a favorable private letter ruling we would withdraw that legislation. In fact, despite the fact that we got a favorable private letter ruling on the advice of our legal counsel we amended that legislation so that it simply goes on to say that we agree that we will abide by the IRS regulations that apply to that program.

Alderman DeVries stated a part of the legislation that concerns me is not dealing with the credit for service in other public retirement systems but in fact was 218:B dealing with the Retirement Board Personnel and Powers which removes the mayor for one from the Retirement Board and that didn't appear to be a direction I was interested in going in this legislation. So, what is the status of that within the bill today?

Mr. Fleury replied that bill has been killed to the best of my knowledge. It was assigned an LSR number 063054 which approximately a week ago was removed from consideration. Now, there were four things that that bill sought to do. One of them which was the controversial aspect dealing with Retirement Board Personnel and Powers I think was the cause of the bills removal. The unfortunate part is that there were three other things that

would have been generally beneficial to the plan. One of them would have allowed for a section for spousal acknowledgment. We've long recognized that the plan had a deficiency that an individual could come forward without the knowledge of a spouse and elect a retirement option that was a higher amount which would cease in its entirety upon the death of a member. Everywhere else it's long been practice that a spouse must sign and consent to the fact that they're being left without a benefit...that was one of the things we had sought to cure. There was also another section dealing with the ability to port in service credit from other public plans and a provision to strike out something which we felt was administratively difficult if not impossible to deal with where we have a law on the books right now that says if a member has been in the system, leaves the city and returns and wishes to repurchase their time they can do that but until five years goes by we have to deny them the right to a benefit that they have bought and paid for. It was felt that we would be obligated to defend that if it were ever challenged but we would probably lose and since the law had been on the books since 1974 and it had never been challenged we had sought to have that provision removed. The other two pieces of legislation that are still in place deal essentially with a provision that we currently are operating under through Administrative Rule authority that we have a program that was initiated allowing individuals to use tax sheltered money to buy time that they have previously withdrawn from the system. We were allowed to do that under federal regulations without seeking a statutory authority but on the advice of counsel we moved to upgrade the authority from simply rule making up to statutory level. The other bill that we have is a reaffirmation...as I began to explain we had originally thought that if we got a private letter ruling that was favorable we would withdraw that bill instead we changed the language so that it states that we will comply with federal regulations in the administration of that program and also we had recognized that the system had no legal provision to recover funds that may have administratively been paid in error. So, if we calculated someone's retirement benefit and we made a mistake and we overpaid them we can go back to them and we can say look we made a mistake please can we have the overpayment back, but we have no statutory authority to collect that amount back again and so that other existing senate bill would give us that authority by actually putting it into statute that would be what is SB404.

Alderman Garrity stated in reference to SB402 Chapter 159 asked what are you requesting there?

Mr. Fleury replied what we're doing is we're clarifying the position of that by asking for the support of SB404. In essence, 402 turned out to be fine. What we're saying is that we want to add a little bit of additional verbiage to it that says when we carry that program out we are going to do it mindful of IRS Section 415.

Alderman Garrity asked is there a fiscal impact on the city?

Mr. Fleury replied no there is not. None of these...there is a common theme to all of these. If there's anything that has a fiscal impact to the city we must go to a final step which is referendum, it is a housekeeping issue, it has no fiscal impact.

Alderman O'Neil stated Gerry I don't have a problem with trying to improve the system. What I have a problem with is the process that's gone on and that is...I sat here one night and heard there were bills introduced but yet two members of the Trustees had never seen those bills and that was then Mayor Baines and Finance Director Clougherty. I think that's a lousy way of doing business to be honest with you and we've been caught in the past with some of these changes although the right thing to do to have significant fiscal impact for the taxpayers of this city and I think there's an obligation that the legislative process...housekeeping or any other clarifications or improvements should be approved and put on a monthly meeting of the Board of Trustees and to be honest with you I think as a courtesy should be brought before this Board before there's any bill introduced and that has not happened and I think that's a serious concern to me anyway.

Alderman Gatsas stated can you tell me...when the recovery of the funds that you're looking for is that available at the State Retirement...if they make a bad calculation can the state recover funds?

Mr. Fleury replied I believe that's the case. I couldn't quote you the chapter and verse in the RSA but I believe that that is somewhere in RSA 100 it has a counterpart to that.

Alderman Lopez stated why don't we just let the process go up at the state, we have somebody following the system there, I don't think we have to do anything it's a housekeeping issue.

Mayor Guinta stated should we then receive and file this communication.

Alderman Shea moved to receive and file the communication from Gerard Fleury. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

16. NEW BUSINESS

Alderman Gatsas stated I was wondering if the Chief could come up so that we can get a closer response to what happens at Jewett Street School and what happened today at Jewett Street School and I look forward to reading something different in the paper tomorrow.

Police Chief Jaskolka stated as you are aware we had a meeting last week with the school authorities and some of the parents and several of our police officers and we came up with an initiative to deal with this problem. Essentially, it's a three-pronged initiative where we are going to involve the school authority, the Police Department and the parents of the involved

children. First of all, it's our understanding that Southside where the older students are coming from has a policy in place for the students who are supposed to go to Jewett Street School to pick up siblings...they have a place where they are supposed to meet and then at a certain time will go to a certain area over at Jewett Street in order to pick up their siblings. What we're going to do is work with the schools to make sure that that particular policy is enforced and only the people, only the students who are supposed to be there who are supposed to be picking up their siblings are allowed to meet in this particular area and then go over to Jewett Street School. What we're going to do...what we did in the past is the way we usually deal with the situation is we let the patrol function try to handle the situation unfortunately there's times when they're tied up with accidents, whatever types of calls and they're not able to be there. What we're going to do in this particular case is these problems happen over a half hour to forty-five minute periods so what we're going to do is dedicate two Community Policing Officers to assist the School Resource Officer from Southside to go and patrol the area and attempt to number one, identify the students who don't belong there. They shouldn't be in the area where it's specified to pick up their siblings so we will identify these particular students, bring that back to the attention of the School Resource Officer, bring that back to the attention of the school and in turn we're going to contact the parents of these kids who are hanging out and actually causing the problem and basically asking them to deal with their kids and put some type of restrictions on them so that they're not in that area. When laws are broken of course we'll enforce the law and make arrests.

Alderman Gatsas stated I guess, Chief, my follow up would be why has it taken so long for anything to happen?

Chief Jaskolka replied again we have been there and as we do with any situation it's dealt with first by the patrol function and again that person may be on whatever type call and may not be able to be there. The School Resource Officer who usually deals with this at certain times may be dealing with a situation at the school and may not be there. But, at this point now, this is a dedicated effort...these Community Policing Officers are going to be there, the School Resource Officer is going to be there and the patrol function when available will send that particular unit into that area during the half hour to forty-five minutes.

Alderman Gatsas asked was that patrol officer on a regular daily basis on a call that he couldn't go there to address a problem of safety of children or parents?

Chief Jaskolka replied no. When he was available he was there, when he was on a call he wasn't and then the same with the School Resource Officer. There are times at the school where he's tied up with something so he's not there. Again, that's how you start off with dealing with the problem is by having the patrol function take care of it. When they're tied up and they're not able to be there all the time then we're going to dedicate resources to that particular area to deal with this problem which is the plan that's been put in place. Again,

the three-pronged plan involving everybody...the police, the schools and the parents of the children causing the problems.

Alderman Gatsas stated so I assume if there's a law being broken you're going to enforce that law and not just call a parent to say take care of your child.

Chief Jaskolka replied yes I believe I said that. If laws are being broken there will be arrests made...the fact that kids are congregating and hanging out is not against the law, however, we're going to move them on and notify the parents of their behavior in the hopes that the parents will put some restrictions on their children.

Alderman Shea stated I'm glad that Alderman Gatsas at this time has questioned...this goes back to December and I believe Alderman DeVries and I attended a meeting at Southside arranged by me and I called Frank Bass and also police were invited, Lt. Riley was there, Deputy Chief O'Leary was there and also the Resource Officer from Southside was there Officer Pitman as well as the Resource Officer from memorial was there plus a parent representative was there...she was asked to represent the parents and at that time concerns were raised and I formulated questions as to why there was a problem, how the problem developed and what would be done about that problem. And, Alderman DeVries was late in coming because the site of the meeting was changed and at that time there were strategies developed with the School Department. The School Department has cooperated 100%, they have expended all efforts as far as this particular matter was concerned. After that meeting there was limited type of help given to the parents and I say there's a petition of about 75 to 125 parents representing Wards 9, 8 and 7. The site in question is in Ward 8, on the corner of So. Jewett and Vinton Streets but because parents had called me that's how I became involved. The School Board member Mr. Kruse was notified but has shown no interest at all in this matter and the School Committee Member in Ward 7 asked to be kept informed about the matter. After about a week in terms of the situation being improved there was a slacking off and then for three weeks the parents endured all kinds of things that were expressed in the paper in terms of the relationship of the children that were gathered there. On February 3rd because of matters that had evolved on the 2nd of February there were quite a few confrontations...snowballs were thrown, pants were dropped, etc., etc. The parents called 911 and no one responded. On February 3rd there were several officers in that general vicinity including Sgt. Doughty as well as the Office of Youth Services which I asked to become involved at that time. There was a subsequent meeting held on February 17th involving several members of the Police Department and we are going to have another meeting on April 7th. Parents are keeping diaries...everyday a parent is keeping a diary as to what's going on. Also, there was a sign put up "No Loitering"...unfortunately, loitering was spelled incorrectly...we're going to get rid of that extra "t" but there's two signs there...children are told as you indicated to...only those children that should be picking up their younger siblings at Jewett Street School should and have the authority to pick up these children and are kept back at least 10 minutes after the discharge of Southside Jr. High

School and they are to meet not where this corner is but in an area on the same side of the street at the school is. Now, the police officers whom we met and Alderman DeVries was at that meeting...I think it's Officer Kincaid who's in charge of Community Policing has said that they will clean up this problem and there is no logical reason why parents have to endure what has been going on there and I think that they're really putting their efforts into making sure that their children not be subjected to all kinds of vulgarity, all kinds of rude behavior, all kinds of different types of possible abuse and I say that if the parent's husbands were picking up the kids you'd have a serious problem because the way that their wives have been treated I know that the women have showed restraint and I have to compliment these women who represent Ward 8 and Ward 7 for the efforts that they have put in and they're not going to give up their struggle. They are going to make sure that they're paying taxes, that they're entitled to police and also school cooperation and I can't say enough for them and I'm not sure if Alderman DeVries wants to add anything to this.

Alderman DeVries stated I guess I would add to that that I'm not sure if this problem continues beyond the next week and a half where we don't have a police presence putting a halt to the activity that's going on there that I want to wait until April 7th and I would just let the rest of the Board know that we do have meetings coming up. If this diary or the phone calls coming back to the parents...the activity has been escalating and become more and more abusive toward the parents trying to pick up their children and we'll need to put a stop to this whether it's through getting additional details there but the one thing I heard at the meetings is that we need to get a consistent uniformed presence there. That means that somehow, some way and personally I don't care if it's coming from Traffic, Community Policing, patrols already there but every day at that time we have to develop the habit of a uniformed officer, not the SRO coming down from the school because he plays a different role but a uniformed tough guy presence there that is changing the activity that is going on and letting know it's not appropriate today, it's not appropriate tomorrow...we'll arrest you if we have reason to arrest you, whatever we need to do it will be done. So, I guess I would say stand by because if a week from now, two weeks from now I'm hearing from the parents that the activity continues I'll be looking for some assistance from this Board. Thank you.

Alderman Shea stated I may add that if we check this particular behavior at this particular level I'm sure, I'm positive that these youngsters who are probably just trying to be big shots as it were and we probably were all that way when we were their ages...I can't speak for you but I'll speak for myself...but the point of the matter is that there will be less problems later on and I really mean that because when we take care of the little problems the big problems take care of themselves. In my opinion some of the social behavior that the kids exhibit around the high schools have also begun when these kids have formed cliques at the middle schools and you didn't have that when you had K through 8 but you have it now because kids are coming in at the 6th grade level, the 7th grade level, the 8th grade level and they're going into the high schools united as it were in certain cliques whereas before in our time we only met kids at the high school level and we were always confined to a neighborhood

school. That's why it's so important to have schools like Hallsville when you have neighborhood schools but anyway getting back to this particular matter I'm sure the police have right now the focus of what this problem is, they have a handle on it and I'm sure that the communication has been established between the parents, the school and so forth so I anticipate that on the 7th we'll have a very good report from all parties concerned. But, we do appreciate and I speak for my parents and my constituents we do appreciate any and all cooperation that the police have given to us and I know that now that it's been called to the public's attention that people are looking at it and hoping that this problem can be solved.

Alderman Pinard stated one quick comment. You know that Sgt. Kincaid and Capt. Church and the Rockingham County Correctional we had a show that we did two weeks ago and it's hard to say that this chain of gang is coming around the country and is gathering outside could be the beginning of what Capt. Church is trying to put across in the State of New Hampshire. There is a danger of these gangs growing up and getting bigger because you have the element from the outside coming in and playing with these kids so I think that Betsi and you Bill are doing a great job to get these people and the volunteers to help you on this because it's a great danger in the City of Manchester and in the country from these gangs and I'm sure, Chief, that you know what I'm talking about. Sgt. Kincaid did a nice job on my show and with that man in charge I'm sure that he's going to stop this because it gets bigger.

Mayor Guinta asked any further new business from the Board?

Alderman O'Neil stated I'll try to be quick, your Honor, none of these will require votes but this relates to the storm this past Friday...would it be possible at some point just to get a one page report from each department to see if they did anything different...this was a little bigger issue I think than some of us might think and just to see if any department did anything different to help the citizens of the city...was the EOC activated...if it wasn't it may be something we might want to consider in the future. Secondly, related to the storm I'm of the opinion and this is maybe where the Emergency Operations Center could come into play...there's a real breakdown with the utilities reporting to the Police Department when streets were shut down and I'm aware of one on Donald Street, a main drag in the city where there were no police officers and there were employee's of utilities had the street shut down. Now, that to me creates a safety issue for the citizens and I think it's something we need to work on going forward whether or not we need to pass an ordinance to require them...I know that people from all fronts were burned out and the utilities deserve credit for getting power restored as quick as they could but I think it was a serious issue that needs to be addressed by the city. On a different subject I think we need to take a look at the detail rates that police officers are being paid for for bars and nightclubs because I'm of the opinion those are the last jobs being filled and in many cases some of these bars and clubs which we have problems with are not getting police officers because there aren't enough police officers to take the details. I think we need to look at maybe increasing the rate just for bars and clubs to make sure that there are police officers there. Again, that is my opinion. And

finally, will we see the presentations from AngelouEconomics and Hillier Architects before the MDC Board will? I saw there was a flyer today and they're going to see it on the 10th. I would have hoped that we would have seen it before anyone else, just a comment, your Honor.

Mayor Guinta stated it's been scheduled right.

Mr. Sean Thomas, Assistant to the Mayor, stated actually you're going to have a presentation on the 6th of March.

Alderman O'Neil stated thank you, I appreciate it.

Mayor Guinta stated the other two are noted.

Alderman O'Neil stated I'll follow up with you, your Honor.

Mayor Guinta stated and then we can talk about this...I'd like to talk to the Chief and the department about that.

Alderman Smith stated I was over the situation two straight days...the police were there, they had a big problem...there were trees down in ward at four different sites and the live wires were down and Parks and Recreation went down and we had good cooperation from the Highway Department...they informed us, we went out there and the police wouldn't even let me get down there because of the live wires and they were there for a day and a half and the whole problem was that there were so many trees down that they had police on Boynton Street, police at Balch Avenue, Donald Street and there's only so many protective cruisers that go around and in fact Public Service didn't get there until the next day and the street wasn't opened up...this happened on Friday afternoon...the street wasn't opened up until Sunday afternoon late.

Alderman Shea stated I did receive calls from somebody on Porter Street and a couple of trees fell down there and they blocked the street off and then somebody came by and Public Service restored power and a private vendor came by and cut some of these trees for Public Service but then people on the street had to cut these trees up and there's a lot of debris on that street now and I don't know if it's the responsibility of Parks and Recreation or somebody to take those things away. I know the neighbors now are kind of getting a little bit agitated...kids are walking to school and they have to go by brush and stuff like that and I'm not sure if the Highway Department does that kind of help or does Parks and Recreation or whomever I'm just throwing it out that it is a problem. But, I think that we were lucky because there were a lot of problems in Ward 7 on Silver Street and Porter Street.

Alderman Roy stated a different subject. Just a reminder to the public that recycling starts on...well, continues but under a different contractor on March 1 and your pick up will be on the same day as your regular route of the garbage and please tell all of your neighbors and friends and we look forward to having everyone participate in the new recycling program.

Alderman Roy moved to recess the regular meeting to consult with legal counsel pursuant to RSA 91-A:2 I(c). Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Mayor Guinta called the meeting back to order.

Alderman Roy moved to authorize the City Solicitor to issue Requests for Qualifications for a construction Litigation Specialist. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

There being no further business to come before the Board, on motion of Alderman Roy, duly seconded by Alderman Duval, it was voted to adjourn.

A True Record. Attest.

City Clerk